

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Kouichi Tanigawa **Atty. Docket No.** 075834.00104
Serial No.: 09/ 934,154 **Group Art Unit:** 2823
Filed: August 21, 2001 **Examiner:** William D. Coler
Invention: "SOLID-STATE IMAGING DEVICE"

RESPONSE TO FINAL REJECTION

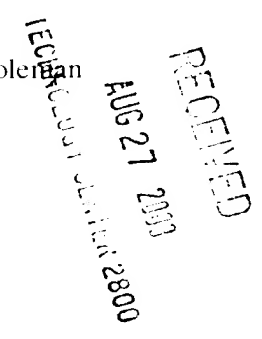
Assistant Commissioner of Patents
Washington, D.C. 20231

S I R:

The undersigned thanks the Examiner for the courtesy of the telephone interview during which the final rejection of the claims were discussed. In accordance with that discussion, Applicant has set forth herein the identified distinctions between the admitted prior art on Applicant's presently claimed invention.

Claims 1-5 currently stand rejected by the Examiner under 35 U.S.C. §§ 102 and 103. More specifically, Claims 1, 2, 3 and 5 are rejected under 35 U.S.C. § 102 as being anticipated by Applicant's admitted prior art. Claim 4 stands rejected as being obvious in light of Applicant's prior art, and further in view of the Sano United States Patent No. 5,796,154.

In the previous Amendment responsive to the First Office Action, Applicant had modified Claim 1 to state that the light transmitting film is formed without etching or planarizing the light transmitting film. As noted in the telephone interview, this modification was added to Claim 1 in order to highlight the distinctions between the presently claimed invention and the prior art. The admitted prior art explicitly teaches that the light transmitting film is planarized as shown in Fig. 8C and as described on page 5 in the last full paragraph of the specification. Accordingly, at the very least for this reason alone, it is clear that



independent Claim 1 is patentably distinct from the admitted prior art of the second conventional example.

Furthermore, the first conventional example described with respect to Fig. 6 and 7 in the instant specification requires that the PBSG film 20 is planarized by reflowing as shown in Fig. 6B. This is also described in the specification beginning on the top of page 4. Claim 1 is also patentably distinct from this conventional example because claim 1 requires the formation of an inter-layer dielectric having a depression in its surface above the light receiving portion and thereafter forming on the inter-layer dielectric a light transmitting film having in its surface a concave portion conforming to the depression. This is clearly not done in the first example. Actually, the admitted prior art described in the specification teaches away from the claims for the reasons noted above and the distinguishing features specified in the claims as noted.

Applicant notes that Claims 2-5 are all dependent claims and that Claim 1, the only independent claim is distinct in that it is neither anticipated by nor obvious in light of the prior art. In summary, there is simply no teaching or suggestion regarding the process for producing a solid-state imaging device as specified in independent Claim 1 and as further characterized in the additional dependent claims.

In light of the foregoing, Applicant respectfully submits that all claims stand in condition for allowance.

Respectfully submitted,

Date: August 19, 2003

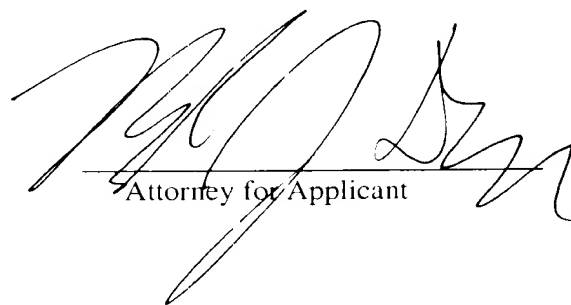
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CERTIFICATE OF MAILING

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